

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 4117 of 2018

Arising Out of PS. Case No.-81 Year-2017 Thana- Vigilance District- Patna

Karraha Parshu Ramaiah @ K. P. Ramaiya, I.A.S. (Retd.) S/o Nariah Karraha, R/o B-3/55, opposite Sanjay Gandhi Botanical Garden, Bailey, Road, P.S.- Shastri Nagar, District- Patna.

... ... Petitioner

Versus

The State of Bihar through Director General, Vigilance Bureau, Circular Road Patna.

... ... Opposite Party

Appearance :

For the Petitioner/s : Mr. Sandeep Kumar, Advocate
Mr. Samrendra Kumar Jha, Advocate

For the Opposite Party/s : Mr. Arvind Kumar (L.O.,Inc.Vigi.)

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

6. 23-03-2018 Heard Sri Sandeep Kumar, learned counsel assisted by Sri Samrendra Kumar Jha, learned counsel for the petitioner and Sri Arvind Kumar, learned Law Officer, Vigilance Investigation Bureau.

The petitioner, who was an I.A.S officer and took voluntary retirement on 28-02-2014 while he was posted as Chief Executive Officer of Bihar Mahadalit Vikash Mission, a Govt. of Bihar Wing established for upliftment of mahadalits, has approached this Court invoking its jurisdiction under Section 438 of the Code of Criminal Procedure, 1973, with a prayer to grant bail in the event of his arrest or surrender.

I have heard learned counsel for both the parties at length



and examined the materials available on record. During argument, this fact has come that despite the fact that petitioner was arrayed as one of the accused in the F.I.R., the investigating agency has not taken any effort to apprehend him, rather it was submitted at bar that even after lodging F.I.R., the petitioner had appeared before the investigating agency and he was examined on 31-01-2018 and he was allowed to return back.

Prima facie, in such situation, since there was no apparent apprehension of arrest, there was no reason to entertain the anticipatory bail application, still the present anticipatory bail petition was entertained and on 02-02-2018, while summoning legible carbon/photocopy of the case diary, a direction was issued by a coordinate Bench not to take any coercive step against the petitioner.

The Court is of the opinion that since there was no apprehension, there was no reason for the petitioner to approach this Court for grant of anticipatory bail.

Sri Sandeep Kumar, learned counsel for the petitioner has submitted at bar that even prior to interim order, the petitioner had participated during investigation and whenever, he was summoned, he had appeared. Accordingly, I am of the view that in such situation, the present petition was required to be rejected



outrightly, since no apparent apprehension was available for being arrested. However, I have heard both the parties at length on merit of the case.

Sri Sandeep Kumar, learned counsel for the petitioner, by placing entire F.I.R. i.e. **Annexure – 1** to the petition, submits that the petitioner remained as Chief Executive Officer of Bihar Mahadalit Vikash Mission only for a short period i.e. from 03-02-2014 to 28-02-2014, however; he subsequently submitted that there was typing error. This fact was also pointed out by Sri Arvind Kumar, learned counsel for the Vigilance that the petitioner remained in such capacity from 21-01-2014 to 28-02-2014. Sri Sandeep Kumar, learned counsel for the petitioner further submits that in the case, virtually, a so called selection for imparting training and certification was initiated long back in the year 2011, obviously, the petitioner was not having any connection with such transaction. According to learned counsel for the petitioner, within such short period of his posting, there was no occasion for the petitioner to examine as to whether any illegality or irregularity was committed by the earlier officers or not. Accordingly, it has been prayed for extending the privilege of anticipatory bail.

Sri Arvind Kumar, learned Law Officer for the Vigilance



Investigation Bureau, on the basis of record, which he has received from the investigating agency, submits that it is a peculiar case that despite the fact that petitioner remained as Chief Executive Officer in the Mission only for a short period i.e. from 21-01-2014 to 28-02-2014, even after knowing the fact that his application for voluntary retirement was accepted and his voluntary retirement was finally notified on 28-02-2014, on 26-02-2014, he signed two cheques of heavy amount, which were issued in favour of two accused persons of this case namely M/s Sri Ram New Horizon and M/s I.I.I.M. Limited. He further submits that record suggests that the said file, for which cheques for huge amount were signed, had processed at about 16 to 17 levels on the same date and hurriedly, cheques were signed by the petitioner. According to Sri Arvind Kumar, only this act of the petitioner categorically indicates that he was a part of a continuous conspiracy and unauthorisedly, such huge amount was paid to other two accused persons of the present F.I.R. It has been argued that under the Bihar Mahadalit Vikash Mission, there were two schemes i.e. "*Dashrath Manjhi Kaushal Vikash Yojna*" and other "Special Central Assistance Scheme" which were purposely meant for imparting appropriate training to youths of Mahadalits. He submits that during



preliminary inquiry, it was noticed that fictitiously certain huge amount was siphoned. Even same candidates on particular date were shown in different training programmes on one date. This fact is itself highlighted in the F.I.R.

Besides hearing learned counsel for the parties, I have also perused material available on record. On going through the F.I.R. itself, the Court is of the view that number of accused persons holding high posts have committed serious offences, which had virtually deprived *mahadalits*, for whose upliftment the scheme was introduced and Bihar Mahadalit Vikash Mission was created by the government. In the case, several crores of government fund was siphoned off by the accused persons conniving with each other. Certainly, once the petitioner had opted for voluntary retirement and his voluntary retirement was accepted on 28-02-2014, his signing of two cheques for an amount of **Rs. 24,93,899/-** (Rupees twenty four lacs ninety three thousand eight hundred and ninety nine) in favour of one of the co-accused M/s Sri Ram New Horizon and another cheque for an amount of **Rs. 2,24,76,787/-** (Rupees two crores twenty four lacs seventy six thousand seven hundred and eighty seven) in favour of one another accused i.e. M/s I.I.I.M. Limited, indicates that this petitioner was also in connivance with other



accused persons. Ofcourse, at this juncture, I am not recording any specific observation and this observation may not be treated otherwise at any stage, but this observation has been made only for the purposes of deciding the present anticipatory bail petition.

In view of serious nature of accusation as well as the fact that petitioner was holding a high post, no lenient approach can be taken. The prayer for grant of anticipatory bail stands rejected.

At the time of hearing, it was pointed out by learned Law Officer for the Vigilance Investigation Bureau that this petitioner had taken voluntary retirement for participating in a parliamentary election and just two dates prior to it he had signed two cheques for such a huge amount in favour of co-accused persons, this conduct also goes against the petitioner.

The petition stands dismissed.

(Rakesh Kumar, J.)

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